

March 30, 2015

**Via ECF**

Honorable Cathy L. Waldor, U.S.M.J  
United States District Court for the District of New Jersey  
Courtroom MLK5D  
Martin Luther King Building and U.S. Courthouse  
50 Walnut Street Room 4C  
Newark, New Jersey 07101

**Re: *Casagrand, et al. v. Gannet Co., Inc. et al.***  
**U.S. District Court, District of New Jersey, No. 2:14-cv-00022-SRC-CLW**

Dear Judge Waldor:

Plaintiffs Richard Casagrand and Dylan Schlossberg (“Plaintiffs”), along with Defendant Gannett Co. Inc. (“Gannett”) and Marketing Plus, Inc. (“MPI,” and collectively, the “Parties”) write to jointly request a thirty (30) day extension of the Phase One March 30, 2015 discovery cutoff previously set in Your Honor’s October 31, 2015 Pretrial Scheduling Order. (Dkt. 35.)

During the Court’s October 30, 2015 Scheduling Conference, Your Honor discussed, and the Parties agreed, that it would be best to proceed with this litigation on parallel tracks—proceeding with an initial phase of discovery related to, *inter alia*, (i) the number of calls made by Defendant in the 4 year period pertaining to the Asbury Park Press and Journal News, (ii) Gannett’s sales figures for the same publications, (iii) contracts between Gannett and MPI, (iv) the manner in which Plaintiffs’ telephone numbers were obtained, (v) the equipment used to make the calls, (vi) the policies and procedures related to telemarketing calls, and (vii) a list of the TCPA cases previously litigated by Plaintiffs’ counsel (Dkt. 35), while at the same time discussing the potential resolution of the case. The Parties have each since served their Rule 26(a)(1) Initial Disclosures, filed a stipulated discovery confidentiality order, and propounded written discovery. In addition, the Parties have engaged in an ongoing dialogue aimed at determining whether resolution of this matter is a real possibility. As part of those discussions, the Parties have exchanged additional information informally and have been working to select a third-party neutral to assist them in a private mediation.

The Parties believe that they will be able to select a third-party neutral by April 7, 2015. Accordingly, the Parties respectfully request that the Court vacate the Phase One discovery cutoff so that they may focus their efforts on selecting a mutually agreeable neutral and date for mediation. The Parties further propose that they inform the Court no later than

April 7th whether they have selected a mediator and set a mediation date. In the event that they are unable to do so, the Parties will of course inform the Court of that and propose a revised schedule for completing Phase One by April 7th as well.

Respectfully submitted,

/s/ Eve-Lynn J. Rapp  
*Attorney for Plaintiffs*

Respectfully submitted,

/s/ Matthew J. Fedor  
*Attorney for Gannett Co., Inc.*

Respectfully submitted,

/s/ Elliott Pell  
*Attorney for Marketing Plus, Inc.*